#3 01-12-04 PATENT



ATTORNEY DOCKET NO. 041465-5127

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Hiroki KURIBAYASHI et al.)

Application No.: 09/988,714

Confirmation No.: 9135

Group Art Unit: 2131

Examiner: To Be Assigned

For: DATA RECORDING METHOD, DATA

RECORDING APPARATUS, DATA

RECEIVED

REPRODUCTION METHOD AND DATA
REPRODUCTION APPARATUS

JAN 8 9 2004 Technology Center 2100

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

<u>INFORMATION DISCLOSURE STATEMENT</u> <u>UNDER 37 C.F.R. § 1.97(b)</u>

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO Form 1449. To the best of the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced Application.

A European Search Report dated November 4, 2003 is attached together with the documents listed thereon. Applicants respectfully request that the Examiner consider the European Search Report and listed documents and evidence that consideration by making appropriate notations on the attached PTO Form-1449.

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As for relevance for any non-English language documents, an English-language Abstract

is provided, or such documents are referred to on the European Search Report.

This submission does not represent that a search has been made or that no better art exists

and does not constitute an admission that the listed documents are material or constitute "prior

art." If it should be determined that the listed documents do not constitute "prior art" under

United States law, Applicant reserves the right to present to the Office the relevant facts and law

regarding the appropriate status of such documents. Applicant further reserves the right to take

appropriate action to establish the patentability of the disclosed invention over the listed

documents, should the documents be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby

authorized by this paper to charge any additional fees during the entire pendency of this

Application, including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required and

including any required extension of time fees, or credit any overpayment to Deposit Account

No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR**

EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Date: January 7, 2003

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INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Attorney Docket No.: 041465-5127

Serial No.: 09/988,714

Applicants: Hiroki KURIBAYASHI et al.

Page 1 of 1

PTO Form 1449

Filing Date: November 20, 2001

Group Art Unit: 2131

U.S. PATENT DOCUMENTS

*Examiner	Document				Sub	
Initial	Number	Date	Name	Class	Class	Filing Date
	5,949,750	Sept. 7, 1999	Matsui	369	59	July 9, 1998
	5,867,475	Feb. 2, 1999	Moriya et al.	369	275.3	Jan. 30, 1998
	5,566,099	Oct. 15, 1996	Shimada	364	717	Sept. 22, 1994
	,					
					REC	EIVED
					JAN	9 2004
					technology	Center 2100

FOREIGN PATENT DOCUMENTS							
	Document		, , ,		Sub	<u>Translation</u>	
	Number	Date	Country	Class	Class	YES	NO
	EP 0 756 279	Jan. 29, 1997	Europe				
,	EP 0 843 445	May 20, 1998	Europe				
	JP 02-103780	April 16, 1990	Japan			X (Abstract Only)	

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)				

Examiner	Date Considered				
Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not					
in conformance and not considered. Include copy of this fo	orm with next communication to applicant.				